REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Applicant has prepared for the Examiner's consideration a new Fig. 3 illustrating the method of operation of the failsafe monitoring device. As the flowchart diagram is merely reflective of the process described in the specification beginning on page 9, second paragraph, no new matter has been added thereby. Accordingly, reconsideration and withdrawal of the drawing objection, as well as the claim rejection under 35 USC § 112, is respectfully solicited.

Applicant has also amended Claim 1 to more clearly phrase the claim as a method claim.

Claims 1-12 stand rejected under 35 USC § 103(a) as being unpatentable over DE 28 01 326 A1 cited by Applicant (hereinafter "DE '326"). The reproduced "Fig. 3" in the Office Action, however, does not appear in this reference.

Apart from this, it should be observed that the DE '326 reference dates back to 1979, i.e. it shows prior art which was known for nearly 25 years preceding the present invention. The DE '326 reference discloses the idea of adapting a monitoring time period as a function of the rotational speed of a shaft. However, the DE '326 reference neither discloses nor suggests the application of this adaptive monitoring technique to the failsafe monitoring of a press. Moreover, there is no other prior art in the field of failsafe press monitoring that teaches or suggests this adaptive monitoring approach. Thus, although the basic idea of adaptive

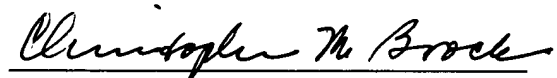
monitoring has been known for at least 25 years, no one has considered applying this technique to the failsafe monitoring of a hydraulic or eccentric press to improve operator safety. Rather the cited prior art is completely devoid of any such teaching.

To the extent the outstanding rejection under 35 USC § 103(a) was intended by the Examiner to be based on DE 39 25 899 A1 (also cited by Applicant) which contains the Fig. 3 reproduced in the Office Action, the same remarks set forth above pertain. In short, the reference merely discloses the known technique for accurately measuring the rotational speed of a rotating body. However, there is no suggestion in this reference how this technique can be advantageously employed to monitor the failsafe operation of a press.

Accordingly, it is respectfully submitted that Claims 1-12 patentably distinguish the present invention over the cited art. Favorable reconsideration is respectfully solicited.

Respectfully submitted,

Dated: November 12, 2004

By: 
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AMENDMENTS TO THE DRAWINGS

The attached "Replacement Sheet(s)," which include(s) Figure(s) 3, replace(s) the original sheet(s) showing Fig. 1 and Fig. 2.